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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,989	09/26/2003	Takao Mori	09792909-5693	8855

26263 7590 05/04/2006

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EXAMINER

ROY, SIKHA

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,989

Applicant(s)

MORI ET AL.

Examiner

Sikha Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0406.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Amendment, filed on February 16, 2006 has been entered and acknowledged by the Examiner.

Cancellation of claim 2 has been entered.

Claim Objections

Claims 1 and 4 are objected to because of the following informalities:

In claim 1 the film thickness (095 and 1) is missing the unit of length.

Claim 4 includes essential subject matter (T representing thickness of the protective film and θ representing the angle in the Mathematical Expression 2) enclosed within parentheses. While reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses, so as to avoid confusion with other numbers or characters which may appear in the claims, essential subject matter should not be enclosed within parentheses since references enclosed within parentheses do not constitute a limitation. See MPEP § 608.01(m).

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2001/0031379 to Tera et al.

Regarding claim 1 Tera discloses (Figs. 1, 2 and 5 sections [0029]-[0034], [0045], [0046]) a display device 100 comprising a driving substrate 1 having a display area with pixels G, a sealing substrate 7(resin film) which is arranged on a side where the display area of the driving substrate 1 is provided, a protective film 6 which covers the display area and exposes the external connection area (connection terminals being exposed) 2a, 5a adjacent to the display area, the sealing substrate 7 is arranged in an area corresponding to the display area. Furthermore Tera discloses in Fig. 5 that the end face of the protective film 6 is formed along a vertical plane including the end face of the sealing substrate 7 which lies on the same side as the end face of the protective

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film lies. Tera discloses (Fig. 5) that when the film thickness of the protective film 6 in the position sufficiently inside from the end face of the sealing substrate 7 is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the protective film 6 in that area. The examiner notes that the average film thickness 1 of the protective film thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Regarding claim 3 Tera discloses in Fig. 5, the end face of the protective layer 6 corresponds to the vertical plane and hence the distance D between the lower end of the end face of the protective film and the vertical plane including the end face of the sealing substrate is zero, which is within the claimed range (less than 2 mm includes the value of zero).

Regarding claim 4 Tera discloses in Fig. 5 the lower end of the end face of the protective film 6 and the vertical plane including the end face of the sealing substrate 7 are vertically aligned and hence the angle θ which is made by a plane on the face drawn from an upper end to the lower end of the end face of the protective film in relation to the vertical plane is 0 ($\theta = 0^\circ$) and hence $D = T (\tan 0) = 0$ is satisfied, T being the thickness of the protective film in the position sufficiently inside from the end face of the sealing substrate.

Regarding claim 5 Tera discloses (sections [0028], [0029]) an organic light-emitting device 100 having an organic luminescent layer 4 between a first electrode 5,

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and a second electrode 2 and which sends out light generated in the light-emitting layer 4 from the second electrode side formed in the display area.

Claims 1, 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,720,203 to Carcia et al.

Regarding claim 1 Carcia discloses (Figs. 3, 4 column 3 lines 57-67, column 4 lines 1-30) a display device 10 comprising a driving substrate 20 (first flexible barrier structure) having a display area, a sealing substrate 61A (polymeric layer) which is arranged on a side where the display area of the driving substrate is provided, a protective film 62 which covers the display area and exposes the external circuit 100 (Fig.3) connection area adjacent to the display area, the sealing substrate is arranged in an area corresponding to the display area. Furthermore Carcia discloses in Fig. 4 that the end face of the protective film 62 is formed along a vertical plane including the end face of the sealing substrate 61A, which lies on the same side as the end face of the protective film lies. Carcia discloses (Fig. 4) that when the film thickness of the protective film 62 in the position sufficiently inside from the end face of the sealing substrate 61A is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the protective film 62 in that area. The examiner notes that the average film thickness 1 of the protective film thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Regarding claim 3 Carcia discloses in Fig. 4 the distance D between the lower end of the end face of the protective film and the vertical plane including the end face of the sealing substrate is zero, which is within the claimed range (less than 2 mm includes the value of zero).

Regarding claim 4 Carcia discloses in Fig. 4 the lower end of the end face of the protective film 62 and the vertical plane including the end face of the sealing substrate 61A are vertically aligned and hence the angle θ which is made by a plane on the face drawn from an upper end to the lower end of the end face of the protective film in relation to the vertical plane is 0 ($\theta = 0^\circ$) and hence $D = T (\tan 0) = 0$ is satisfied T being the thickness of the protective film in the position sufficiently inside from the end face of the sealing substrate.

Regarding claim 5 Carcia discloses (column 8 lines 16-35, column 10 lines 10-31) the light-emitting device 10 comprises an organic light emitting layer (active layer) 40 between a first electrode 50 and a second electrode 30 and which sends out light generated in the light emitting layer 4 from the second electrode side formed in the display area.

Regarding claim 6 Carcia discloses (column 4 lines 52-55) the driving substrate 20 and the sealing substrate 61A are bonded with an adhesive layer 70 in between.

Response to Arguments

Applicant's arguments filed February 16, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claim 1, that the references (Tera and Carcia) fail to show the feature of the average thickness of the protective film within 2mm from the end face of the sealing substrate in comparison to the film thickness in a position sufficiently inside from the end face of the sealing substrate the examiner respectfully disagrees. The examiner notes that the claim 1 recites the average film thickness of the protective film in an area **within 2 mm** from the end face of the sealing substrate is 0.95 or **more** (which includes the value 1).

Tera discloses (Fig. 5) that when the film thickness of the protective film 6 in the position sufficiently inside from the end face of the sealing substrate 7 is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the protective film 6 in that area. The average film thickness 1 of the protective film at the end face of the sealing substrate and within 2 mm from the end face thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Carcia discloses (Fig. 4) that when the film thickness of the protective film 62 in the position sufficiently inside from the end face of the sealing substrate 61A is 1, the average film thickness at the end face and within some distance (including distance of 2 mm) close to the end face is also 1, there being no film thickness distribution of the

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protective film 62 in that area. The examiner notes that the average film thickness 1 of the protective film thus lies in the claimed range, as the average thickness being 0.95 or more includes the value 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.R.

Sikha Roy
Patent Examiner
Art Unit 2879

Karabi Ghosray